

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 224:

A BILL TO BE ENTITLED
AN ACT

1 To reestablish the Board of Commissioners of Coffee County; to supersede the laws
2 pertaining to the governing authority of Coffee County; to provide for the powers of the
3 board of commissioners, the composition of the board of commissioners, election districts,
4 qualifications of commissioners, terms of office for commissioners, filling vacancies,
5 meetings, a quorum, the responsibilities of the chairperson, a vice chairperson, and the vice
6 chairperson's responsibilities; to provide for oaths, bonds, budgets, audits, a county
7 administrator, a clerk, minutes, and compensation and expenses of commissioners; to provide
8 for submission for approval pursuant to the federal Voting Rights Act of 1965; to provide for
9 severability; to provide for an effective date; to provide for the repeal of existing enabling
10 legislation and other conflicting laws; to provide for related matters; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 The laws pertaining to the governing authority of Coffee County shall be superseded by this
14 Act to reestablish the Board of Commissioners of Coffee County as follows:

15 "SECTION 1.

16 Board established.

17 The Board of Commissioners of Coffee County ('the board') which existed on January 1,
18 2013, is continued in existence as the governing authority of Coffee County but on and
19 after July 1, 2013, shall be constituted as provided in this Act. The Board of
20 Commissioners of Coffee County so continued and constituted shall continue to have the
21 powers, duties, rights, obligations, and liabilities of that board as it existed immediately
22 prior to January 1, 2013.

SECTION 2.

Duties and responsibilities.

The board shall have the power and authority to fix and establish by appropriate resolution entered on its minutes policies, rules, and regulations governing all matters reserved to the jurisdiction of the board. Such policies, rules, and regulations, when so adopted with proper entry thereof made on the minutes of the board, shall be conclusive and binding.

The board shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. The following powers are vested in the board and reserved to its exclusive jurisdiction:

- (1) To levy taxes;
- (2) To fix fees;
- (3) To make appropriations;
- (4) To fix rates and charges for services provided by the county;
- (5) To authorize the incurring of indebtedness;
- (6) To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;
- (7) To authorize and provide for the execution of contracts;
- (8) To establish, alter, open, close, build, repair, or abolish public roads and bridges, according to law; provided, however, that the chairperson shall have the authority to adopt subdivision plats when the requirement established by the board for subdivisions is met;
- (9) To accept for the county the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;
- (10) To exercise all powers, duties, and authority in respect to zoning and planning;
- (11) To create and change the boundaries of special taxing districts authorized by law;
- (12) To fix the bonds of county officers where same are not fixed by statute;
- (13) To enact any ordinances or other legislation which the county may be given authority to enact;
- (14) To determine the priority of capital improvements;
- (15) To call elections for the voting of bonds or other matters as authorized by law;
- (16) To appoint retained legal counsel and an independent county auditor and provide for their compensation;
- (17) To appoint and employ a county administrator for the purpose of administering the day-to-day routine operations of the county and to provide for his or her compensation;

(18) To appoint members of the Coffee County Board of Elections and Registration as provided by a separate Act to create a board of elections and registration for Coffee County and any amendments thereto;

(19) To appoint and employ an emergency management director as determined necessary by the board and to provide for his or her compensation;

(20) To appoint, select, and employ officers, agents, and employees and to fix their compensation unless hired by the county administrator;

(21) To exercise all of the power and authority which is or may be vested in the board by the Constitution or laws of this state; and

(22) To exercise all power and authority formerly vested in the board.

SECTION 3.

Election of board members and districts established.

(a) Those members of the Board of Commissioners of Coffee County who are serving as such on December 31, 2012, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after the effective date of this Act, the Board of Commissioners of Coffee County shall consist of five members all of whom shall be elected from commissioner districts described in subsection (b) of this section.

(b) For purposes of electing members of the board of commissioners, Coffee County is divided into five commissioner districts. One member of the board shall be elected from each such district. The five commissioner districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: coffeecs-2012 Plan Type: local Administrator: coffee User: bak'.

(c) When used in such attachment, the terms 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a 'VTD' heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of Coffee County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Any part of Coffee County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not

contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

(d) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that office.

(e) In order to be elected or appointed as a member of the board from a commissioner district, a person must have that person's legal residence in that district and, if elected, must receive the number of votes cast as required by general law for that office in that district only and not at large. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.

(f) The members of the reconstituted board shall be elected as provided in this subsection. The first members of the board elected under this Act shall be elected at the November general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from Commissioner Districts 1 and 3 in November, 2014 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors. Those members of the board elected thereto from Commissioner Districts 2, 4, and 5 in November, 2016 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2020, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(g) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(h) Commissioner Districts 1 through 5, as they existed on January 1, 2013, shall continue to be designated as Commissioner Districts 1 through 5, respectively, but as newly described under this Act, and on and after January 1, 2013, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act.

SECTION 4.

Vacancies.

When a vacancy occurs on the board under the laws of this state and the unexpired term of office exceeds six months in duration, it shall be the duty of the election superintendent of the county to call a special election to elect a successor and fill the vacancy in not less than 30 nor more than 60 days. The election shall be held as provided by the Georgia Election Code, and the cost of the election shall be defrayed by proper county authorities. If the unexpired term to be filled is six months or less in duration in the case of the term of a board member, the chairperson shall nominate and the board shall approve a successor to fill the unexpired term, and in the case of the term of the chairperson, the remaining members of the board shall elect a successor to fill the unexpired term of the chairperson. Persons elected or appointed to fill a vacancy in office shall serve out the unexpired term and until a successor is elected and qualified.

SECTION 5.

Meetings.

(a) The board shall hold a minimum of one regular meeting per month for the transaction of business as may legitimately come before it. The board may convene in special meetings on the call of the chairperson, as the business of the board may require. The board members may at any time convene a special meeting of the board upon call by any one of them as the business of the board may require, provided the chairperson is unable or fails to call such meeting upon request.

(b) The chairperson and any two board members shall constitute a quorum. In the absence of the chairperson, three board members shall constitute a quorum. Unless expressed otherwise in any law, rule, or ordinance, a decision of the board may be made by majority vote of a quorum of the board.

(c) The board shall cause minutes of its meetings to be kept in accordance with the laws of this state.

SECTION 6.

Chairperson.

(a) The board shall elect one of the board members to serve as chairperson. The chairperson shall be the official head of the board. The chairperson shall serve for a term of one year from January 1 through December 31 of each year.

(b) No person shall serve as chairperson or vice chairperson unless he or she has satisfactorily completed all annual training and education requirements.

(c) The chairperson shall cause an agenda to be established for and preside at all meetings of the board unless absent. The chairperson shall have all the rights, powers, duties, and responsibilities of a member of the board, including the right and power to make motions and nominations and the right to vote on matters before the board. The chairperson may serve as a member of boards, commissions, and committees required by law or requested by the board and shall perform such other duties as may be required by law.

SECTION 7.

Vice chairperson.

The board shall elect one of the board members to serve as vice chairperson in the same manner and for the same term as the chairperson. The vice chairperson shall cause an agenda to be established for and preside at all meetings at which the chairperson is absent. In such event, the vice chairperson shall retain all of his or her rights, duties, powers, and responsibilities as a member of the board of commissioners, including the right to make motions and to vote on matters before the board.

SECTION 8.

Oath, surety bond, conflicts of interest.

(a) Before entering upon the discharge of their duties, the chairperson and other board members shall subscribe to an oath for the true and faithful performance of their duties and that they are not the holders of any unaccounted for public funds.

(b) The chairperson shall give a satisfactory surety bond, as determined by the judge of the Probate Court of Coffee County, and payable to the judge of the Probate Court of Coffee County and filed in the office of the judge of the Probate Court of Coffee County, in the sum of \$50,000.00, conditioned upon the faithful performance of the duties of the office. Each board member shall give like bond in the sum of \$25,000.00. The costs of such bonds shall be paid from county funds.

(c) No county official or employee shall employ an immediate family member in a position that is directly supervised by him or her. As used in this subsection, the term 'immediate family member' means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent.

SECTION 9.

County budget and audits.

(a) The board shall adopt and operate under annual budgets in accordance with the laws of this state.

(b) The board shall provide for and cause to be made annual audits in accordance with the laws of this state.

SECTION 10.

County administrator.

(a) The board shall create in and for Coffee County the office of county administrator and vest in such office powers, duties, and responsibilities of an administrative nature in accordance with the laws of this state. The county administrator shall be the chief executive officer of Coffee County and shall be responsible to the board for the proper and efficient administration of all affairs of the county, except as otherwise provided by law. It shall be the duty of the county administrator to:

(1) See that all laws and ordinances of the county are enforced;

(2) Exercise control over all departments or divisions of the county which the board has exercised prior to the effective date of this Act or that may be created, except as otherwise provided in this Act;

(3) Keep the board fully advised as to the financial condition and needs of the county;

(4) Supervise and direct the official conduct of all appointed county officers and department heads, except as may be otherwise provided in this Act;

(5) Establish and alter the internal organization of the county government after consultation with the board;

(6) Attend all meetings of the board with the right to take part in the discussions, provided that the county administrator shall have no vote on any matter or issue before the board;

(7) Supervise the performance of all contracts made by any person for work done for Coffee County and supervise and regulate all purchases of materials and supplies for Coffee County within such limitations and under such rules, regulations, and delegations

of authority as may be imposed by the board in the county purchasing ordinance, by resolution, or by contract;

(8) Confer with and advise all other elected or appointed officials of Coffee County who are not under the immediate control of the board but who receive financial support from the board;

(9) Exercise the authority to countersign with the chairperson or, in his or her absence, the vice chairperson, all payroll checks for employees of Coffee County and such other financial instruments as the board may by resolution delegate to the county administrator; and

(10) Perform such other duties as may be required of him or her by the board.

(b) The county administrator shall have authority to appoint and fix the compensation of the appointed officers and employees of Coffee County subject to the following limitations and requirements:

(1) The person appointed as an officer or employee shall have the qualifications necessary for the office or position; and

(2) The compensation fixed by the county administrator shall be within the approved county budget.

(c) The county administrator shall have authority to appoint a deputy or other assistants and department directors and execute employment agreements with them in his or her discretion in accordance with guidelines set by the board and subject to the approval of the county attorney.

(d) The county administrator shall have authority to discharge any employee consistent with merit system rules and regulations, if applicable, and authority to discharge the deputy county administrator or any department director following consultation with the board and the county attorney.

(e) The provisions of this section shall not apply to:

(1) The county attorney, retained legal counsel, and the external county auditor; provided, however, that the county administrator may fix the compensation of the county attorney in consultation with the board;

(2) Members of boards, commissions, and authorities, and positions of employment in connection therewith, when such boards, commissions, and authorities were created by state law or appointed by the board; or

(3) Elected county officers of Coffee County and employees under their supervision and control; provided, however, that the board by majority vote may approve or reject the salary recommended for each such employee.

(f) The county administrator, before entering upon the discharge of his or her duties, shall execute a bond with a solvent surety company licensed to do business in the county in an

amount to be approved by the board but no less than \$100,000.00 payable to the county conditioned on the faithful performance of his or her duties and to secure against corruption, malfeasance, misappropriations, or unlawful expenditures. The premium on said bond shall be paid by the county. The bond shall be delivered to the board within five days of the county administrator's assuming his or her duties and, upon receipt, shall be filed by the county clerk with the Probate Court of Coffee County.

(g) Before entering upon his or her duties, the county administrator shall take and subscribe an oath administered by the judge of the probate court for the faithful performance of his or her duties under this Act which shall be duly entered upon the minutes of the board.

(h) The county administrator shall not engage in or be concerned with local partisan politics or any local political campaign. The county administrator shall not contribute to any local campaign fund or solicit funds for local political purposes from any other person. He or she shall not be eligible for election as a member of the board of commissioners of the county for a period of one year after termination of his or her service as county administrator.

SECTION 11.

County clerk.

The board shall appoint a clerk in and for Coffee County consistent with the laws of this state. The clerk shall be a resident of Coffee County. Before entering upon the discharge of his or her duties, the clerk shall give a satisfactory surety bond, as determined by the judge of the Probate Court of Coffee County, and payable to the judge of the Probate Court of Coffee County and filed in the office of the judge of the Probate Court of Coffee County, in the sum of \$50,000.00, conditioned upon the faithful performance of his or her duties as clerk and to account for any and all funds, property, or effects which may come into his or her hands as clerk or otherwise. The costs of such bond shall be paid from county funds.

SECTION 12.

Salaries, compensation, and expenses.

Salaries, compensation, expenses, and expenses in the nature of compensation to which members of the board serving on the effective date of this Act are currently entitled shall continue in full force and effect. Salaries, compensation, expenses, and expenses in the

296 nature of compensation to which members of the board are thereafter entitled shall be fixed
297 pursuant to the laws of this state."

298 **SECTION 2.**

299 The governing authority of Coffee County shall through its legal counsel cause this Act to
300 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
301 such submission shall be made to the United States Department of Justice or filed with the
302 appropriate court no later than 45 days after the date on which this Act is approved by the
303 Governor or otherwise becomes law without such approval.

304 **SECTION 3.**

305 This Act shall become effective on the first day of the month following the month in which
306 it is approved by the Governor or in which it becomes law without such approval.

307 **SECTION 4.**

308 In the event any provision of this Act is unconstitutional or cannot be implemented under
309 federal law, the remaining provisions of this Act shall remain valid and of full force and
310 effect.

311 **SECTION 5.**

312 The Act establishing the office of Commissioner of Roads and Revenues in the County of
313 Coffee, approved March 26, 1937 (Ga. L. 1937, p. 1294), and all amendments thereto, and
314 any Act establishing the Board of Commissioners of Coffee County prior to 1937, and all
315 amendments thereto, and an Act Replacing the Office of Commissioner, approved February
316 21, 1951 (Ga. L. 1951, p. 1294) and all amendments thereto, and all other laws and parts of
317 laws in conflict with this Act are repealed.